

MINIMUM PAY LIMITS CHANGES OF SENATE COM-
MITTEE EMPLOYEES AND INDICIA REQUIREMENTS
AMENDMENTS FOR FRANKED MAIL

FEBRUARY 7, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. WALDIE, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 2315]

The Committee on Post Office and Civil Service, to whom was re-
ferred the bill (S. 2315) relating to the compensation of employees of
Senate committees, having considered the same, report favorably
thereon with amendments and recommend that the bill as amended
do pass.

AMENDMENTS

The committee proposes two amendments to S. 2315—an amend-
ment to the text and an amendment to the title.

AMENDMENT TO THE TEXT

On page 2, immediately below line 3, of S. 2315, insert the following:

SEC. 2. (a) Section 3216 of title 39, United States Code, is amended
by striking out “, and the printed words ‘Postage paid by Congress’”.

(b) Section 733 of title 44, United States Code, is amended by strik-
ing out “Postage paid by Congress.”

(c) Section 907 of title 44, United States Code, is amended by strik-
ing out “Postage paid by Congress”.

SEC. 3. (a) Section 5(d) of the Act of December 18, 1973 (87 Stat.
742; Public Law 93-191), is amended by striking out “or 3218” and
inserting in lieu thereof “3218, or 3219”.

(b) Section 6(a) of the Act of December 18, 1973 (87 Stat. 744;
Public Law 93-191), is amended by striking out “or 3218” and insert-
ing in lieu thereof “, 3218, or 3219”.

AMENDMENT TO THE TITLE

The amendment to the title is as follows:

Amend the title so as to read: "An Act to amend the minimum limits of compensation of Senate committee employees and to amend the indicia requirements on franked mail, and for other purposes."

EXPLANATION OF AMENDMENT TO THE TEXT

The amendment to the text proposed the addition of sections 2 and 3 to the bill to accomplish two purposes:

First, to delete, in effect, all reference to the words "Postage paid by Congress" in the indicia requirements set forth in the law for franked mail.

Second, to amend sections 5(d) and 6(a) of the Act of December 18, 1973 (87 Stat. 742, 744; Public Law 93-191), relating to clarification of proper use of the franking privilege, in order to correct the omission of a reference to section 3219 of title 39, United States Code, relating to Mailgrams, intended to be placed in those sections but inadvertently omitted in the enactment of that statute. The effect of the inclusion of the reference to this Mailgrams provision in such sections makes it clear that the functions of the House Commission on Congressional Mailing Standards and of the Select Committee on Standards and Conduct of the Senate will cover the mailing and contemplated mailing of Mailgrams as franked mail.

EXPLANATION OF AMENDMENT TO THE TITLE

The purpose of the amendment to the title is to provide a title for the bill which will reflect more accurately the text of the bill as proposed to be amended by the committee.

PURPOSE

The primary purposes of S. 2315, as amended, are—

- (1) to eliminate the statutory minimum rate of compensation for Senate committee employees; and
- (2) to eliminate the requirement that the words "Postage paid by Congress" be printed on envelopes, wrappers, cards, or labels used to transmit franked mail.

COMMITTEE ACTION

The committee did not hold hearings on the bill as it involves incidental administrative matters of the Congress. The bill was ordered reported by a unanimous voice vote.

SENATE COMMITTEE EMPLOYEES' PAY

The first section of the bill involves a matter of administration applicable solely to employees of Senate committees. Section 105(e) of the Legislative Branch Appropriation Act, 1958 (2 U.S.C. 61-1(e)), as modified by order of the President pro tempore of the

Senate, October 4, 1973, has the effect of establishing a minimum rate at which Senate Committee employees may be appointed.

Currently, the minimum rate for such committee employees, other than employees of the Senate Appropriations Committee, is \$18,525 for professional staff members, and \$8,265 for clerical staff members. For the Senate Appropriations Committee, the minimum rate is \$18,240 for the chief clerk and the assistant chief clerks, and \$8,265 for other clerical assistants.

The first section of the bill removes the minimum rates, and upon removal of the minimum rate, the chairman of a Senate committee will be authorized to appoint employees to the committee at whatever lower rate of compensation he determines appropriate. Existing law contains a maximum rate of compensation for these employees (currently \$35,910 under such Order of October 4, 1973) which is not affected in any way by this legislation.

FRANKED MAIL

Section 2 of the reported bill eliminates the requirement that the words "Postage paid by Congress" be printed on envelopes, wrappers, cards, or labels used to transmit franked mail.

This requirement was added by the provisions of Public Law 93-191, approved December 18, 1973, to—

section 3216 of title 39, United States Code, relating to the indicia to be printed on envelopes, wrappers, cards, or labels, except as required by sections 733 and 907 of title 44, United States Code;

section 733 of title 44, United States Code, relating to the indicia to be printed on blank franks to be used for mailing public documents; and

section 907 of title 44, United States Code, relating to the indicia to be printed on envelopes for mailing of the Congressional Record.

Prior to the 1973 act, such sections 733 and 907 of title 44, United States Code, required that the word "Free" be printed on the blank franks for public documents and the envelopes for the Congressional Records.

The intent of the committee in connection with these amendments was to eliminate the requirement that the word "Free" be printed on the envelopes since it has been the practice for many years for the postage for franked mail to be paid in full from appropriated funds.

The provisions of section 3216 of title 39, United States Code, require that the equivalent amount of postage for fees and charges in connection with mail matter sent through the mails under the franking privilege be paid by a lump sum appropriated to the legislative branch for that purpose, and that the payment be made to the Postal Service as postal revenue. Similar provisions have been in the law since enactment of Public Law 286, October 15, 1953.

In view of this requirement of the law, the committee believes that there is no need or necessity for the envelopes, wrappers, cards, or

labels used to transmit the franked mail to have any indication on them that the postage is paid by the Congress. Also, it was misleading for the indicia to state that the mail was "Free" when in fact the full postage is being paid from appropriated funds.

Section 3 amends sections 5(d) and 6(a) of the act of December 18, 1973 (87 Stat. 742, 744; Public Law 93-191), relating to clarification of proper use of the franking privilege, in order to correct the omission of a reference to section 3219 of title 39, United States Code, relating to Mailgrams, intended to be placed in those sections but inadvertently omitted in the enactment of that statute. The effect of the inclusion of the reference to this Mailgrams provision in such sections makes it clear that the functions of the House Commission on Congressional Mailing Standards and of the Select Committee on Standards and Conduct of the Senate will cover the mailing and contemplated mailing of Mailgrams as franked mail.

COST

There is no cost involved in the enactment of this legislation.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

Sec. 105(e), Legislative Branch Appropriation Act of 1968 (2 U.S.C. 61-1(e))

SEC. 105(a) * * *

* * * * *

(e) (1) Subject to the provisions of paragraph (3), the professional staff members of standing committees of the Senate shall receive gross annual compensation to be fixed by the chairman [ranging from \$18,525 to] *at not to exceed* \$33,060.¹

(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at [[\$8,265 to] *not to exceed* \$33,060,¹ and not to exceed four other clerical assistants at [[\$8,265 to] *not to exceed* \$16,815; and

(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at [[\$18,240 to] *not to exceed* \$33,060;¹ such assistant clerks as may be necessary at [[\$14,250 to] *not to exceed* \$24,795; and such other clerical assistants as may be necessary at [[\$8,265 to] *not to exceed* \$16,815.

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¹ The rate "\$33,060" is increased to higher rates when level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased.

SECTION 3216 OF TITLE 39, UNITED STATES CODE

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate; and

(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof [], and the printed words "Postage paid by Congress" [].

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

TITLE 44, UNITED STATES CODE

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§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress.

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks

shall contain in the upper left-hand corner the following words: "Public document. [Postage paid by Congress.] United States Senate" or "House of Representatives U.S." and in upper right-hand corner the letters "U.S.S." or "M.C." But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the State or Commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress.

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§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it, "if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39." Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record. [Postage paid by Congress]", and in the upper right-hand corner the letters "U.S.S.," or "M.C.," and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on the envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress.

ACT OF DECEMBER 18, 1973

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SEC. 5. (a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), [or 3218] 3218, or 3219, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, surviving spouse of any of the foregoing, or other House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(e) Any complaint by any person that a violation of any section of title 39, United States Code, referred to in subsection (d) of this section is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212,

3213(2), [or 3218] 3218, or 3219, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

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